



U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

JHK:DCL

September 9, 2015

By Email to:
southertm@pepperlaw.com

Thomas McC. Souther, Esq.
Pepper Hamilton LLP
The New York Times Building
620 Eighth Avenue, 37th Floor
New York, New York 10018-1405

Re: United States v. Kenner and Constantine
CR-13-607 (S-2)

Dear Mr. Souther:

As per our conversation yesterday, we are seeking the following additional documentation from your client, Kenneth Jowdy, with regard to the project at Diamante Cabo San Lucas:

1. Profit and Loss Statements (or the equivalent) for the period 2006 to present;
2. Transfer agreements for ownership interests, for example, but not limited to, Mr. Jowdy's transfer of 1% interest to Joseph Juneau, Ethan Moreau, and Owen Nolan;
3. Records of capital contributions for the period 2005 to present;
4. List of bank accounts used by or for the benefit of Diamante Cabo San Lucas, LLC in its formation or to conduct business;
5. Sampling of spreadsheets sent by Diamante Cabo San Lucas, LLC to Danske Bank;
6. Loan agreements and modified loan agreements between Diamante Cabo San Lucas, LLC and Danske Bank;

7. Operating agreements and amended operating agreements for all LLCs involved in the formation or operation of Diamante Cabo San Lucas, including, but not limited to: KAJ Holdings, LLC; Diamante Properties, LLC; PF Ventures, LLC; CSL Properties 2006, LLC; Baja Ventures 2006, LLC; Diamante Club, LLC; Diamante CSL, LLC; and Legacy Properties, LLC; and
8. Records regarding the status of the project at Diamante Cabo San Lucas.

If you have any questions, please contact the undersigned at the number below.

Very truly yours,
KELLY T. CURRIE
Acting United States Attorney

By: /s/ Diane C. Leonardo
Diane C. Leonardo
Assistant U.S. Attorney
(631) 715-7854